

**ROARING LION ESTATES (ANDERSON)
FOUR-LOT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE OR RENT ON LOT 4 WITH
THREE VARIANCE REQUESTS**

STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Benjamin H. Howell *BH*

**REVIEWED/
APPROVED BY:** Renee Van Hoven *RN*

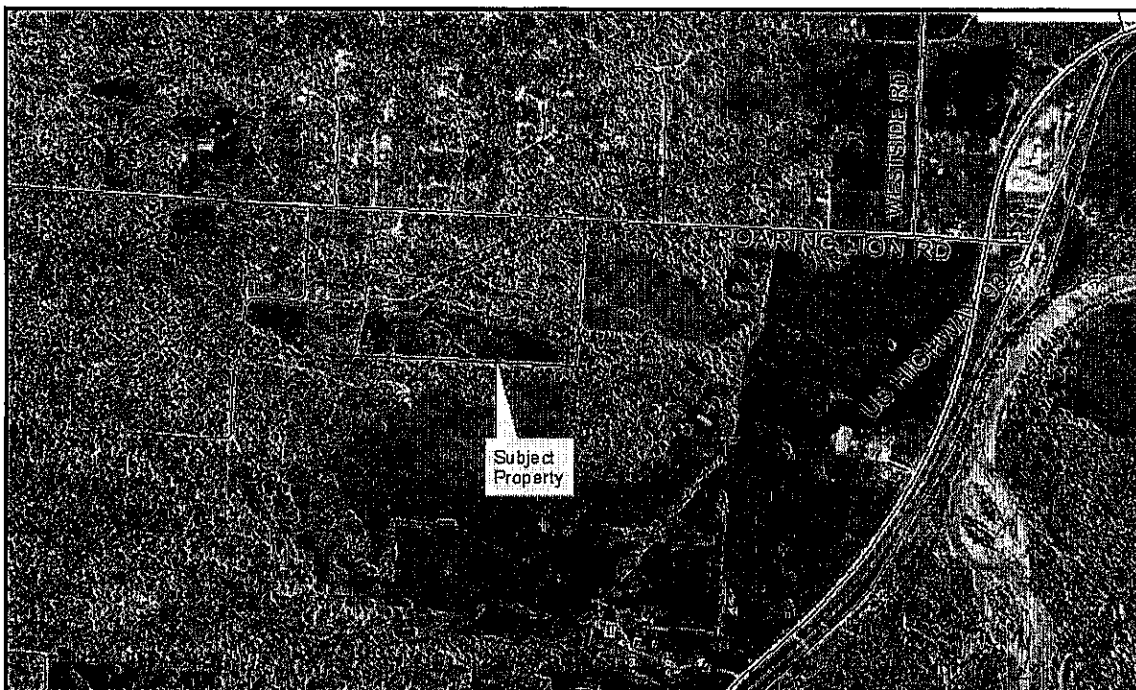
**PUBLIC HEARINGS/
MEETINGS:**

RCPB Public Hearing:	June 21, 2006
Deadline for PB recommendation to BCC:	July 19, 2006
BCC Public Meeting:	9:00 a.m. July 27, 2006
(Unless PB delays decision)	
Deadline for BCC action (35 working days):	August 10, 2006

APPLICANT/OWNER: Wayne Anderson
490 Blodgett Camp Road
Hamilton, MT 59840

REPRESENTATIVE: Bitterroot Engineering and Design, 961-5634
1180 Eastside Highway
Corvallis, MT 59828

LOCATION OF REQUEST: The property is located south of Hamilton off Roaring Lion Road.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

NW ¼ of Section 14, T5N, R21W, P.M.M., Ravalli County

**APPLICATION
INFORMATION:**

The subdivision and variance applications were determined complete on June 1, 2006. Agencies were notified of the subdivision and variances and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-6 of the staff report.

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Tuesday, June 6, 2006. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked June 6, 2006. One public comment has been received and is Exhibit B of the staff report.

**DEVELOPMENT
PATTERN:**

Subject property	Large lot Residential
North	Residential
South	Agriculture
East	Agriculture
West	Residential

RAVALLI COUNTY PLANNING BOARD

JUNE 21, 2006

ROARING LION ESTATES (ANDERSON) FOUR-LOT MINOR SUBDIVISION AND SUBDIVISION FOR LEASE OR RENT ON LOT 4 WITH THREE VARIANCE REQUESTS

RECOMMENDED MOTIONS

1. That the variance request from Section 5-5-5(a) of the Ravalli County Subdivision Regulations, which requires that a subdivision determined to be a wildland fire hazard have access onto a road that has two routes to outside of the fire hazard area, be **approved**, based on the findings of fact and conclusions of law in the staff report.
2. That the variance request from Section 5-5-6(a) of the Ravalli County Subdivision Regulations, which requires that a subdivision determined to be a wildland fire hazard have a water supply of either 1,000 gallons per minute flow from a municipal water system or a storage of at least 2,500 gallons for each lot, be **approved**, based on the findings of fact and conclusions of law in the staff report.
3. That the variance request from Section 5-2-2(c)(3) of the Ravalli County Subdivision Regulations, which states that a lot may not access off a Forest Service road, be **approved**, based on the findings of fact and conclusions of law in the staff report.
4. That the Roaring Lion Estates Minor Subdivision and Subdivision for Lease or Rent on Lot 4 be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Irrigation Ditch/Pipeline Easements. Within this subdivision there are irrigation easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows irrigation ditches and easements on the property. The downstream water rights holders must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act which damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. (*Effects on Agricultural Water User Facilities*)

Notification of Wildland Fire Hazard. This subdivision, or portions thereof, is located within an area that may experience wildland fires. It is not possible to predict the effect of a wildland fire in this area or to guarantee protection of life or property. Property owners should

periodically reduce the buildup of fuels, use fire-resistant materials and designs for homes and outbuildings, and otherwise create and maintain a defensible space around buildings. Future property owners should work with the Hamilton Rural Fire District to maintain access, defensible space, and sufficient water supply. (*Variances 1 & 2, Effects on Local Services and Public Health & Safety*)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision road and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for this road was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

Notification of No-Build/Alteration Zones. Within this subdivision there are no-build/alteration zones on wetlands in Lots 1 and 4. No new structure or road, with the exception of fences, may be constructed in these areas. No fill may be placed within these areas. (A reduced copy of the plat showing the no-build/alteration zones shall be attached to the Notifications Document). (*Effects on Natural Environment*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, bears, mountain lions, wolves, skunks and raccoons. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." (*Effects on Agriculture, Wildlife and Wildlife Habitat and Public Health and Safety*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- (a) There is the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- (b) **Gardens and fruit trees** can attract wildlife. Keep the produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.

- (c) **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners should be aware that deer might occasionally attract mountain lions to the area.
- (d) **Birdseed** can attract bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- (e) **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
- (f) **Pets** should be confined to the house, in a fenced yard, or in outdoor kennel areas, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
- (g) **Pet food and livestock feed** should be stored indoors or in animal-resistant containers in order to avoid attracting wildlife such as bears, skunks, raccoons, etc. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- (h) **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean, Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- (i) Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.
- (j) **Compost piles** could attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant.

Waiver of Protest to Creation of RSID/SID. Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs.
(Effects on Local Services)

Vegetation Reduction Requirements. When a residence is constructed on any lot within this subdivision, the landowner shall, within three months of occupancy, perform all necessary vegetation reduction as described in Figure 5-5-2 of the Ravalli County Subdivision Regulations. (The protective covenants filed with the final plat shall include Figure 5-5-2 as an exhibit.) (Effects on Local Services and Public Health & Safety)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Hamilton Rural Fire District has adopted Fire Protection Standards which require the lot owners to post County-issued addresses at the intersection of the driveways leading to the primary residence and the road providing access to the lot as soon as construction on the residence begins. (*Variances 1 & 2, Effects on Local Services & Effects on Public Health and Safety*)

Access Requirements for Lots within this Subdivision. The Hamilton Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information on the requirements of the Hamilton Rural Fire District. (*Effects on Local Services & Effects on Public Health and Safety*)

Building Standards. The houses within this subdivision are required to be built to IRBC building standards. Commercial buildings shall be constructed to meet state building code requirements. For more information, contact the Hamilton Rural Fire District and PO Box 1994, Hamilton, MT 59840. (*Effects on Local Services & Effects on Public Health and Safety*)

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. (*Effects on Natural Environment*)

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. (*Effects on Public Health & Safety*)

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lot(s). (*Effects on Natural Environment*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. (*Effects on Public Health and Safety*)

Amendment. The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. (*Effects on Local Services*)

4. The developer shall pay an amount equivalent to the pro-rata share of the cost to improve the portion of Roaring Lion Road that provides access to this subdivision to meet County Standards. (*Variance 3 and Effects on Local Services*)
5. The applicant shall install a stop sign on the internal subdivision road at the intersection with Roaring Lion Road, as approved by the Ravalli County Planning Department in consultation with the Road Department, prior to final plat approval. (*Effects on Local Services and Public Health and Safety*)
6. The internal subdivision road shall be labeled as a public road and utility easement on the final plat. (*Effects on Local Services*)
7. The Road Maintenance Agreement for the internal subdivision road shall include the maintenance of storm water drainage facilities. (*Effects on Local Services*)
8. A Master Irrigation Plan that meets the requirements of Section 3-2-15 of the Ravalli County Subdivision Regulations, which would include the plat-sized plan and the irrigation agreement, shall be submitted before final plat approval. (*Effects on Agricultural Water User Facilities*)
9. The applicant shall provide for 10-foot wide irrigation easements centered on the two irrigation ditches traversing the property on the final plat. (*Effects on Agricultural Water User Facilities*)
10. The no-build/alteration zones on the wetlands in Lots 1 and 4, as shown on the preliminary plat, shall be shown on the final plat. (*Effects on Natural Environment*)
11. The developer shall submit a statement of approval of the water supply from the Hamilton Rural Fire District which verifies that a water source provides a year-round water supply that can generate a flow of 500 gallons per minute for 120 minutes or provide evidence from the Fire District with the final plat submittal that a \$500 per lot contribution to the Fire District was made upon subdivision approval. (*Effects on Local Services & Public Health and Safety*)
12. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Effects on Public Health and Safety*)
13. The applicants shall provide evidence that a financial contribution (to be decided by the Planning Board) has been contributed to the Hamilton School District prior to final plat approval. (*Effects on Local Services*)

INTRODUCTION

The Roaring Lion Estates Minor Subdivision and Subdivision for Lease or Rent on Lot 4 is a four-lot subdivision of 35 acres located off Roaring Lion Road south of Hamilton. The applicant is proposing two single family residential dwellings on Lot 4, for a total of five units. Over half of the property has moderate tree cover, the property is located approximately 0.50 mile east of the National Forest boundary, and there is continuous woodland between the National Forest and the subject property. A Forester hired by the applicant has determined that the property is a wildland fire hazard and it is subject to the Wildland Fire Standards in the Ravalli County Subdivision Regulations. There are several no-build/alteration zones proposed on the plat to protect wetlands on Lots 1 and 4. The average lot size is 9.0 acres.

In conjunction with the subdivision proposal, the applicant is requesting three variances:

1. For relief from Section 5-5-5(a) of the Ravalli County Subdivision Regulations, to allow one route out of the wildland fire hazard area via Roaring Lion Road, instead of two routes.
2. For relief from Section 5-5-6(a) of the Ravalli County Subdivision Regulations, to allow relief from the water supply requirement.
3. For relief from Section 5-2-2(c)(3) of the Ravalli County Subdivision Regulations, which states that a lot may not access a Forest Service road.

Staff recommends approval of the three variance requests and conditional approval of the subdivision proposal.

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision of 35 acres will result in four lots that range in size from four to 12 acres. The property is located approximately 3.50 miles south of Hamilton.
2. There are soils classified as Prime Farmland covering less than a quarter of the property in the southeastern corner.
3. There is moderate to sparse timber on approximately half of the property.
4. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (Conditions 1 & 2 – in Living with Wildlife section)

Conclusions of Law:

1. There is agricultural potential on this property, but because of the proximity to the City of Hamilton and the existing density adjacent to the property, it may be better suited for development.
2. With the recommended mitigating conditions, impacts of this subdivision on adjacent agricultural practices will be minimized.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. The application states there are water rights associated with this property. The applicant is proposing to divide the 30 acres from Roaring Lion Creek among the proposed lots. There are two existing irrigation ditches traversing the property and it is not clear if there are existing easements. A preliminary Irrigation Agreement and Plan are included in the application. To mitigate impacts on agriculture water user facilities, the applicant shall show 10-foot wide irrigation easements centered on the two irrigation ditches shown on the preliminary plat on the final plat. (Condition 9)
2. To notify future property owners and mitigate potential impacts on agricultural water user facilities, a notification of the irrigation ditches and easements shall be filed with the final plat. (Condition 1)
3. Completion of irrigation infrastructure is a requirement of final plat approval. To ensure that the irrigation infrastructure is completed as proposed in the irrigation plan submitted with the preliminary plat application, a Master Irrigation Plan meeting the requirements of Section 3-2-15 of the Ravalli County Subdivision Regulations, which would include the plat-sized plan and the irrigation agreement, shall be submitted before final plat approval. (Condition 8)

Conclusion of Law:

With the requirements of final plat approval and the mitigating conditions, impacts of this subdivision on agricultural water user facilities will be minimized.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. It is unknown if Roaring Lion Road is under Forest Service jurisdiction or County jurisdiction and if pro rata requirements apply (see Provision of Legal and Physical Access). To mitigate impacts on local services, the developer shall pay an amount equal to the pro-rated share of

the cost to improve the portion of this road that provides access to this subdivision to meet County Standards. (Condition 4)

2. All lots are proposed to be served by a private internal road, Boldt Lane, that will be constructed to meet minor local road standards.
3. A General Discharge Permit for Stormwater Associated with Construction Activity from the Montana Department of Environmental Quality (if required), submittal of final grading and drainage plans, an approved road name petition for the internal subdivision road, and a road certification, as certified by a professional engineer, are requirements of final plat approval. Installation of all infrastructure improvements is also required to be completed prior to final plat approval, which includes construction of the road and stormwater drainage facilities for the internal subdivision road and a road name sign. To mitigate impacts on local services, the applicant shall install a stop sign at the intersection of Roaring Lion Road and the internal road prior to final plat approval. (Condition 5)
4. In order to ensure that the public has usage of the road within this subdivision and to mitigate impacts on local services, the internal subdivision road shall be dedicated as a public road and utility easement on the final plat. (Condition 6)
5. A Road Maintenance Agreement was proposed for the internal subdivision road and is required to be submitted with the final plat application. A notification of the Road Maintenance Agreement shall be included in the Notifications Document, and the Road Maintenance Agreement shall include stormwater drainage to mitigate impacts on local services. (Conditions 1 & 7)
6. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
7. Individual wells and wastewater treatment systems are proposed for lots within this subdivision.
8. Bitterroot Disposal provides service to this site.
9. The applicants stated they will be making a contribution to the School District, but did not specify the amount and no comment was received from the Hamilton School District. To mitigate impacts of the subdivision on the School District, the applicant shall contribute an amount (to be determined by the Planning Board) per lot to the Hamilton School District. (Condition 13)
10. In a letter dated February 15, 2006, the Hamilton Rural Fire District stated that, with vegetation reduction and usual recommended mitigation, the Fire District will provide services. (*Exhibit A-1*). The conditions that address the Fire District's recommendations and issues related to wildland fire will mitigate impacts on local services and public health and safety. (Conditions 1, 2 and 11) (*Effects on Public Health and Safety*)
11. The Ravalli County Sheriff's Office provides law enforcement services to this area.
12. Public Services are adequate for this subdivision.

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. There are wetlands located on Lots 1 and 4. To mitigate impacts on the natural environment, no-build/alteration zones shall be shown on the final plat, as proposed on the preliminary plat and a notification of the no-build/alteration zones shall be included in the Notifications Document. (Conditions 1 and 10)
2. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health

Department for local subdivision review to occur. (*Exhibit A-2*) A Certificate of Subdivision Plat Approval from Montana DEQ is required to be submitted with the final plat.

3. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)
4. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. According to Montana Fish, Wildlife and Parks data, the property is located within big game winter range.
2. The FWP has not commented on this subdivision, but the Living with Wildlife provisions that are generally recommended are included in the covenants for this subdivision. (Condition 2)
3. No species of special concern have been identified in the vicinity of the subdivision.
4. The property is approximately four miles south of Hamilton and is adjacent to development that is approximately one unit to three acres.

Conclusions of Law:

1. Most likely, previous development has already negatively impacted wildlife and wildlife habitat.
2. With the mitigating condition, impacts on wildlife and wildlife habitat will be minimized.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. Over half of the property has moderate to sparse tree cover, the property is located approximately 0.50 miles east of the National Forest boundary and there is continuous woodland between the National Forest and the subject property. A Forester hired by the applicant determined that the fire hazard for this property is moderate, so the property is subject to the Wildland Fire Standards in the Ravalli County Subdivision Regulations. To educate property owners and mitigate potential impacts of this subdivision on public health and safety, a notification of the Wildland Fire Hazard shall be included in the Notifications Document filed with the final plat. (Condition 1)
2. The applicant is requesting variances from access and water supply requirements for properties determined to be a wildland fire hazard. Staff is recommending conditional approval. (*Variances 1 & 2*)
3. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat. (Condition 1)

4. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2 & 11)
5. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses for each lot and a provision requiring property owners to post County-issued addresses at their driveways shall be included in the covenants. (Conditions 2 and 12)
6. Lots will be served by individual wells and wastewater treatment systems. (Natural Environment)
7. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
8. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one

mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There are existing covenants on the property. (Application) The proposal appears to be consistent with the covenants.

Conclusion of Law:

Zoning does not apply to this property and the proposal is in compliance with the covenants.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along Roaring Lion Road and the internal road.
2. According to the application, the proposed subdivision will be served by Northwestern Energy and Qwest Telephone. Utility companies have been notified of the proposed subdivision and no comments have been received to date.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Findings of Fact:

1. Physical and legal access is proposed via Roaring Lion Road.
2. The preliminary plat shows an existing 60-foot wide public easement on Roaring Lion Road, which shows that there is legal access.
3. Ravalli County maintains Roaring Lion Road, which provides for physical access. (Application)
4. It is unclear if Roaring Lion Road is under the jurisdiction of the Forest Service or Ravalli County. The applicant has requested a variance from Section 5-2-2(c)(3), which states that lots cannot access off a Forest Service Road. Staff is recommending conditional approval of the variance.
5. An agreement filed on October 12, 2000 states that the County agrees to assume jurisdiction of the segment of Roaring Lion Road from Westside Road to the west side of Judd Hollow Road, which includes the proposed subdivision.
6. The Ravalli County Road Supervisor stated in an email dated June 6, 2006 that the roadway is under the jurisdiction of Ravalli County, and a variance should not be needed. (*Exhibit A-3*)
7. The Bitterroot National Forest has commented in letters dated February 8, 2006, June 8, 2006 and an email dated June 7, 2006 that, based on Judge Langton's decision on Bear Creek Trail Road, Roaring Lion Road is still under the jurisdiction of the Forest Service, and the proposed subdivision shall not be approved. (*Exhibits A-4, 5, 6*)

Conclusion of Law:

With the conditions of approval, action on variance request #3 and the requirements of final plat approval, the proposal meets physical and legal access requirements.

VARIANCE REPORT

VARIANCE REQUEST #1

The applicant has requested a variance from Section 5-5-5(a) of the Ravalli County Subdivision Regulations, which requires that a subdivision determined to be a wildland fire hazard have access onto a road that has two routes to outside of the fire hazard area.

Compliance with Variance Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. The applicant's forester determined that the property is a moderate wildland fire hazard.
2. The proposed subdivision is approximately 0.60 miles from the intersection of Roaring Lion Road and Highway 93.
3. The Hamilton Rural Fire District provided a comment dated 2/15/06 stating that the variance request is acceptable as long as the road within the subdivision and the cul-de-sac length is built in compliance with County Standards and vegetation reduction is completed along the access roads. (*Exhibit A-1*) The applicant is proposing and will be required to construct Boldt Lane to meet County Standards and to perform vegetation reduction along any access roads that pass through high fire hazard areas.
4. To mitigate impacts on public health and safety, a notification that the property is a wildland fire hazard and that future lot owners should work with the Hamilton Rural Fire District to maintain access routes shall be included in the Notifications Document. (Condition 1)

Conclusions of Law:

1. The property is in close proximity to Highway 93, which provides two County Standard routes out of the wildland fire hazard area.
2. With the mitigating condition and requirements of final plat approval, impacts to the public health, safety or general welfare will be reduced.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Finding of Fact:

There are several subdivisions located in wildland fire hazard areas with only one route out of the area.

Conclusion of Law:

The conditions upon which the variance is requested are not unique to the subject property.

C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Finding of Fact:

There are a limited number of access roads in the vicinity of the property.

Conclusion of Law:

The lack of road connectivity in the area makes it difficult for the applicant to meet this requirement.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. There is no zoning on this property.
2. The goals and policies in the Ravalli County Growth Policy do not appear to address this variance.

Conclusion of Law:

Zoning and the Growth Policy do not apply to this property.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The property is located 0.60 miles west of Highway 93.
2. The Hamilton Rural Fire District is not against the variance.

Conclusion of Law:

Granting of the variance will not cause a substantial increase in public costs.

VARIANCE REQUEST #2

The applicant has requested a variance from Section 5-5-6(a) of the Ravalli County Subdivision Regulations, which requires that subdivisions determined to be a wildland fire hazard have a water supply of either 1,000 gallons per minute flow from a municipal water system or storage of at least 2,500 gallons for each lot.

Compliance with Variance Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. The applicant's forester determined the property to be a moderate fire hazard.
2. The property is located approximately 0.60 miles from the intersection of Roaring Lion Road and Highway 93.
3. In a letter dated February 15, 2006, the Hamilton Rural Fire District commented on this variance request, stating that it is acceptable "if all lots fulfill the treatment recommendations of a Wildland Fire Hazard Determination to achieve a low fire hazard rating to add considerably to each structure's defensiveness. We also request covenants to maintain the low fire hazard rating be placed upon each lot."
4. The applicant is proposing and required to complete vegetation reduction along access roads and defensible space around each house or building is required to be addressed in the covenants.
5. To further mitigate impacts on the Hamilton Rural Fire District, the applicant shall provide the Fire District's water supply or submit \$500 per lot prior to final plat approval. (Condition 11)

Conclusions of Law:

1. The property is in close proximity to Highway 93 and is easily accessible by emergency vehicles.
2. With the mitigating conditions and requirements of final plat approval, impacts to the public health, safety or general welfare will be reduced.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Finding of Fact:

There are several subdivisions located in wildland fire hazard areas.

Conclusion of Law:

The conditions upon which the variance is requested are not unique to the subject property.

C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Finding of Fact:

The site is relatively level with adequate space for a water supply.

Conclusion of Law:

Physical and topographic conditions do not prevent the applicant from meeting the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. There is no zoning on this property.
2. The goals and policies of the Ravalli County Growth Policy do not address water supply for properties in a wildland fire hazard area.

Conclusion of Law:

Zoning and the Growth Policy do not apply to this property.

E. The variance will not cause a substantial increase in public costs.

Finding of Fact:

There may be costs associated with providing a water supply for fire suppression. To mitigate impacts on potential costs to the public, the applicant shall provide the Fire District's standard water supply or a contribution of \$500 per lot prior to final plat approval. (Condition 11)

Conclusion of Law:

The condition of approval will mitigate impacts to public costs.

VARIANCE REQUEST #3

The applicant has requested a variance from Section 5-2-2(c)(3) of the Ravalli County Subdivision Regulations, which states that a lot may not access a Forest Service road. A lot must access on to a road under the jurisdiction of a state, county or town, or on to a private road that accesses a road under the jurisdiction of the state, county or town.

Compliance with Variance Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. It is unclear at this time whether Roaring Lion Road is under the jurisdiction of the County or the Forest Service (See Provision of Legal and Physical Access).
2. The Ravalli County Road and Bridge Department maintain Roaring Lion Road. To mitigate impacts on the road system and public health and safety, the applicant shall pay an amount

equal to the pro rata share to improve the portion of Roaring Lion Road to meet County Standards. (Condition 4)

Conclusion of Law:

With the condition of approval, impacts to public health and safety will be mitigated.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Finding of Fact:

The property is accessed by a road in which the jurisdiction is unclear.

Conclusion of Law:

The conditions upon which the variance is requested are unique to the subject property.

C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The property is accessed by Roaring Lion Road and it is not clear if the road is under County or Forest Service jurisdiction.
2. The lack of road connectivity in the area does not provide for alternative access.

Conclusion of Law:

There are physical conditions that prevent the applicant from meeting the strict letter of the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. There is no zoning on this property.
2. The goals and policies of the Ravalli County Growth Policy do not address subdivision access to Forest Service roads.

Conclusion of Law:

Zoning and the Growth Policy do not apply to this property.

E. The variance will not cause a substantial increase in public costs.

Finding of Fact:

The proposed subdivision is located within close proximity of existing services.

Conclusion of Law:

Approval of the variance request will not affect public costs.

EXHIBIT A-1

FEB 22 2006

IC-06-02-256 JPL
Ravalli County Planning Dept.

Hamilton Rural Fire DISTRICT

Post Office Box 1994 Hamilton, MT 59840

February 15, 2006

John Horat
Bitterroot Engineering & Design, Inc.
1180 Eastside Highway
Corvallis, MT 59828

Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

RE: Agency comment on Roaring Lion Estates Subdivision Proposal

The Hamilton Rural Fire District trustees and the Hamilton Volunteer Fire Department Fire Chief have reviewed the subdivision proposal information supplied by John Horat, dated January 25, 2006, in regards to the District's ability to provide fire protection services to the subdivision. In addition, a site visit was conducted on February 13th.

Since the subdivision is located in a wildland fire hazard area we would find no negative effects to providing adequate fire protection if the following conditions are met:

- 1) All buildings are requested to be built to IRBC code, as indicated in the Subdivision Fire Protection Evaluation submitted by the developer.
- 2) The variance request to section 5-5-5 for only one road access is acceptable as long as the road within the subdivision, and the cul-de-sac length, is built in compliance with County subdivision road requirements without variances, including vegetation reduction along the access road.
- 3) The variance request to section 5-5-6 to not supply at least 2,500 gallons of water for each lot is acceptable if all lots fulfill the treatment recommendations of a Wildland Fire Hazard Determination to achieve a low fire hazard rating to add considerably to each structure's defensiveness. We also request covenants to maintain the low fire hazard rating be placed upon each lot.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are additional variances, if the information provided changes in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,

Lisa Wade
Secretary

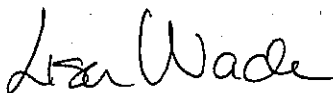


EXHIBIT A-2

MAY 10 2006
10-06-05-731
Ravalli County Planning Dept.



Environmental Health
215 South 4th – Suite D
Hamilton, MT 59840
(406)375-6268 FAX (406)375-2048

MEMORANDUM

TO: Ravalli County Planning Department

FROM: Morgan T. Farrell, R.S., Environmental Health

DATE: 5-10-06

RE: Rolling Lion Estates

The Ravalli County Environmental Health Department has received the above-referenced proposal for review. Based on the information provided, the application appears to be sufficient for subdivision review. The Sanitation in Subdivision review will be completed in accordance with the contract with the Department of Environmental Quality. Additional questions or comments may be required based upon the continued review of this file and the content of future submittals.

BR ENGINEERING

EXHIBIT A-3

Ben Howell

From: David Ohnstad
Sent: Tuesday, June 06, 2006 8:58 AM
To: Ben Howell
Subject: roaring lion estates

Ben -

Regarding the request for agency comment on the Roaring Lion Estates Minor Subdivision proposal, Requests for Variance; the Road & Bridge Department has NO COMMENT on Variance #1 or #2. With regard to Variance #3 which requests variance from Section 5-2-2(c)(3) of the County Subdivision Regulations, "...A lot must access directly on to a road under the jurisdiction of a state, county or town, or on to a private road that accesses a road under the jurisdiction of a state, county or town". An agreement executed 12 October 2000 between the U.S.D.A. Forest Service (Bitter Root National Forest) and the Board of County Commissioners for Ravalli County, with regard to Roaring Lion Road (Forest Road 701), includes the following article, "3. The Cooperator agrees to assume jurisdiction of the aforementioned segment of Road No. 701". The "cooperator" is Ravalli County. It would be apparent that the B.O.C.C., in its affirmative action in executing the referenced agreement, has assumed jurisdiction of the subject roadway and currently maintains that jurisdiction. A "variance" to Section 5-2-2(c)(3) would not be required, or appropriate, given the subject roadway is "under the jurisdiction" of Ravalli County.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA
(406) 363 - 2733



United States
Department of
Agriculture

Forest
Service

Bitterroot National Forest

EXHIBIT A-4

FOUL IN. FIRST
Hamilton, MT 59840
406-363-7100

File Code: 5400/7700

Date: February 8, 2006

RECEIVED

FEB 13 2006

1C-06-02-234
Ravalli County Planning Dept.

Bitterroot Engineering and Design, Inc.
Mr. John Horat, PE
1180 Eastside Hwy
Corvallis, MT 59828

Dear Mr. Horat;

Thank you for your letter of January 25, 2006 regarding the proposed Roaring Lion Estates Subdivision. The Bitterroot National Forest provides the following review comments concerning this specific request, the proposed use may have a direct impact upon the National Forest system users.

This proposal accesses a parcel of land off of the Roaring Lion Road. A recent court decision by Honorable Judge Langton regarding the Bear Creek Trail road has put the status of this road into question. Under Judge Langton's decision a road cannot be deemed a "county road" until the county commissioners have followed the county road designation steps. That process has not been completed for the Roaring Lion Road. Ravalli County Commissioners accepted and filed the easement deeds, however, the viewing and resolution process has not been finished. Until that process is completed, the Roaring Lion Road, where the driveway of Boldt Lane intersects, is under Forest Service jurisdiction.

Ravalli County Subdivision Regulations (Section 5-2-1(2)) do not allow for the approval of a subdivision, when said subdivision would be accessed in part by Forest Service Roads. We request that you work with the Ravalli County Commissioners to assure that the county road designation process is completed. Until that process has been completed and the county assumes legal responsibility of the Roaring Lion Road as a county road the Bitterroot National Forest will request that your subdivision proposal be denied.

If you have any questions concerning this issue please contact Bitterroot National Forest Lands Program Manager Roylene Gaul at 363-7157.

Sincerely,

DAVID T. BULL
Forest Supervisor

cc: Mark Lodine - OGC
Ravalli County Planning Dept.
Ravalli County Road Dept.



EXHIBIT A-5



United States
Department of
Agriculture

Forest
Service

Bitterroot National Forest

1801 N. First
Hamilton, MT 59840
406-363-7100

File Code: 5400

Date: June 8, 2006

Mr. Greg Chilcott; Chairman
Ravalli County Commissioners
215 South 4th Street, Suite F
Hamilton, MT 59840

RECEIVED

JUN 12 2006

1C-06-06-902
Ravalli County Planning Dept.

Dear Mr. Chilcott;

The Bitterroot National Forest has received the request for comments on the subdivision proposal off of the Roaring Lion Road. The request states that the subdivider has requested several Variances. Of particular interest to the Bitterroot National Forest is the following:

Variance Request #3 From Section 5-2-2(c)(3) of the Regulations, which states that a lot may not access a Forest Service Road. A lot must access directly on to a road under the jurisdiction of a state, county or town, or on to a private road that accesses a road under the jurisdiction of a state, county, or town.

On February 8, 2006, the Bitterroot National Forest responded to the proposed subdivision request. A copy of that letter is enclosed for your reference.

It is the position of the Bitterroot National Forest, with the recent court decision by the Honorable Judge Langton regarding the Bear Creek Road, that the Roaring Lion Road cannot be deemed a county road until the county commissioners have finished the official county road designation steps. In accordance with Judge Langton's decision until the official viewing and road resolution process is completed the section of Roaring Lion where the driveway of Boldt Lane intersects, is under Forest Service jurisdiction. We do recognize that a maintenance agreement is in place and the Ravalli County Road Department has assumed maintenance. Ravalli County Road Superintendent Mr. Ohstad in his comments states "An agreement executed 12 October 2000 between the U.S.D.A. Forest Service(Bitter Root National Forest) and the Board of County Commissioners for Ravalli County, with regard to Roaring Lion Road (Forest Road 701), includes the following article, "3. The Cooperator agrees to assume jurisdiction of the aforementioned segment of Road No. 701". The "cooperator" is Ravalli County" The easement deeds have exchanged hands and been recorded. The only step of the process that needs to be completed is to pass the official road resolution in accordance with your legal mandates. I need to reemphasize, until the official Road Resolution occurs by the County Commissioners, in accordance with the recent court decision, this is a Forest Service road.

I respectfully request that you complete the official county road designation process as was intended for the Roaring Lion Road. Until that process is completed it is our request that you deny the request for variance and the subdivision proposal.

Sincerely,

FOR DAVID T. BULL
Forest Supervisor

cc: Office of General Counsel – Attorney Mark Lodine



Ben Howell

From: Roylene Gaul [rgaul@fs.fed.us]
 Sent: Wednesday, June 07, 2006 7:23 AM
 To: David Ohnstad; Ben Howell
 Subject: Fw: roaring lion estates

Dave - based upon the Bear Creek Decision by Langton - the Forest Service has requested that no subdivisions be approved on this road until the County Commissioners do the viewing and official road resolution which has never been done yet - it would be very helpful if you could somehow speed that process up !!! The intent of the easements was for the County to have full jurisdiction but we cannot take the chance with Langton's Court Decision out there that the same thing won't happen on this road that happened on Bear Creek - so until the County finishes it's official process we have to request that no subdivision be approved. We sent over copies of the easement documents to both the commissioners and George Corn's office - you will notice that it was exactly the same process that we followed for Bear Creek.....so anything you can do to help fix the present situation would be greatly appreciated in the meantime the Forest Service will have to ask that all variances be denied and the subdivisions not be approved until the resolution process is finished.

Roylene Gaul
 Realty Specialist/Lands Program Manager
 Bitterroot National Forest
 1801 N. 1st
 Hamilton, MT 59840
 Phone: 406-363-7157
 Cell: 406-546-9320

----- Forwarded by Roylene Gaul/R1/USDAFS on 06/07/2006 07:14 AM -----

Rich
 Raines/R1/USDAFS

06/06/2006 09:51
 AM

Roylene Gaul/R1/USDAFS@FSNOTES,
 Kent Miller/R1/USDAFS@FSNOTES

To

cc

Subject

Fw: roaring lion estates

FYI

Rich Raines
 Road Maintenance Supervisor
 Engineering Representative
 Sign Coordinator
 Bitterroot National Forest

----- Forwarded by Rich Raines/R1/USDAFS on 06/06/2006 09:50 AM -----

"David Ohnstad"
 <dohnstad@ravalli
 county.mt.gov>

To

"Rich Raines" <rraines@fs.fed.us>

gallons for each lot.

EXHIBIT B

Variance #3: From Section 5-2-2(c)(3) of the Regulations, which states that a lot may not access a Forest Service road. A lot must access directly on to a road under the jurisdiction of a state, county or town, or on to a private road that accesses a road under the jurisdiction of a state, county or town.

A variance may be granted from the Subdivision Regulations when strict compliance with the regulations will result in undue hardship including substantial practical difficulty and when compliance is not essential to the public welfare. The variance application shall not be approved without an overall positive finding on the following:

1. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
2. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
3. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
4. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
5. The variance will not cause a substantial increase in public costs.

As an adjoining landowner, you are invited to offer comments regarding the effects of the variance request and the impacts of the subdivision on the sets of criteria listed above. Comments by the general public are accepted in writing (mail, e-mail or drop off at the Planning Department), verbally at the meeting, or by calling the Planning Department. Comments submitted to the Planning Department at the address above will be submitted to the Planning Board and the Board of County Commissioners. The public may comment on the proposals. However, please note that only under select circumstances will new information be allowed into the record after the Planning Board public hearing.

The Planning Board will conduct a public hearing on this proposal on **Wednesday, June 21, 2006 at 3:00 p.m.** in the Commissioners' Conference Room on the third floor of the Administrative Center (215 S. 4th Street, Hamilton). At the conclusion of the public hearing, the Planning Board will make a recommendation to the County Commissioners who will make the final decision on the subdivision proposal. ***Please be advised that the meeting time(s) noted above is for when the Planning Board Meeting begins and there may be multiple items on the agenda.***

JUN 14 2006
1C-06-06-921
Ravalli County Planning Dept.

DEAR SIRs

THE ONLY COMMENT I HAVE IS IN REGARD TOO A VERY HIGH WATER TABLE IN THIS AREA! MOST ALL OF THE ADJOINING NEIGHBORS IN THIS AREA EITHER HAVE ENGINEERED SYSTEMS OR SEPTICS THAT HAVE BEEN GRANDFATHERED IN. I AM VERY SURPRISED THAT THIS LAND PERKED FOR FOUR SEPTICS. THE LAND THAT I OWN NEXT TO THIS PROPERTY HAS WATER AT ABOUT THREE FEET FROM THE SURFACE MOST OF THE YEAR! MY LAND IS AT THE SAME LEVEL & ELEVATION!

Daniel Lee